

Moberly Police Department

Policies & Procedure Manual



Response to Resistance

Moberly Police Department

Policies & Procedure Manual



Section: Administration
Chapter: Response to Resistance
Subject: Use of Necessary Force
Approved By: Chief Troy Link

Policy 1.3.1
Effective Date : July 1, 2017

Use of Necessary Force

Purpose

To establish guidelines governing the response to resistance and its limitations, and clearly describe prohibited activities.

Definitions

- A. Deadly force: Any force applied in any manner by means that could reasonably be expected to cause death or serious physical injury. See RSMo. 563.011(1)
- B. Excessive Force: Force beyond what is objectively reasonable is excessive force, and as guide, *Graham v. Conner*, 109 S.Ct. 1865, 104 LEd.2d 443(1989) set forth the objectively reasonable standard to determine whether the force applied was excessive. The "reasonable" test states:
 - 1. Reasonableness is determined by balancing the nature and quality of the intrusion with the countervailing government interests.
 - 2. The reasonableness analysis contemplates careful consideration of the facts and circumstances of the encounter, including:
 - a. The severity of the crime.
 - b. Whether the suspect poses an immediate threat to the safety of the officers and/or others.
 - c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
 - 3. Reasonableness is judged from the perspective of a reasonable officer on the Scene, rather than with 10/10 vision of hindsight.
 - 4. Not every push or shove violates the 4th Amendment.
 - 5. The reasonableness standard must make an allowance for the fact police officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly moving.
 - 6. The officer's underlying intent or motive is irrelevant to the "objective reasonableness" test; however, if the officer has evil or malicious intent or evidences a callous disregard for the suspect, the officer may be liable for punitive damages or possibly criminal culpability.

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- C. Firearms are any weapon from which a projectile is forcibly ejected by an explosive.
- D. Non-deadly force: is the force employed which is neither likely nor intended to cause death or serious physical injury.
- E. Reasonable belief exists when facts or circumstances the officer knows before the application of force, or should know, are such as to cause an ordinary and prudent person to act in a similar way under similar circumstances.
- F. Serious physical injury is any injury to the body that causes, or is likely to cause, acute or permanent disablement, disfigurement, injurious internal disturbances, severe psychological trauma, and any injury that requires significant medical treatment or hospitalization. See RSMo. 565.002(6).
- G. Excited delirium is a state of extreme mental and physiological excitement, characterized by extreme agitation, hypothermia, hostility, exceptional strength and endurance without apparent fatigue.

Policy

Officers are confronted frequently with situations where, in order to accomplish a lawful objective, force has to be used. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. There are varying degrees of force that may be reasonable, depending on the totality of circumstances presented.

Officers will use the amount of force that is objectively reasonable to accomplish a lawful objective and purpose. When applying deadly force, an officer's objective must be to stop or incapacitate the suspect.

The use of excessive/unreasonable force shall result in corrective action up and including termination, as well as potential prosecution.

When practical, the response by officers will be progressive in nature. The point of entry into the response to resistance continuum will vary with each situation. The level of force may escalate at any time and officer must be prepared to meet the threat with that amount of force which is objectively reasonable to control the situation.

Officers employing physical force to overcome subject's resistance, which is at or exceeds Resistant Level I, as explained within Section 1.3.8, will be required to complete a special response to resistance report in accordance with department policy 1.3.8 reporting response to resistance.

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Progressive Response to Resistance

Progressive force refers to the escalation of force used by an officer in order to control a situation, from minimal force to maximum force. An illustration of the department's response to resistance: Confrontation/Control Continuum is presented as Addendum A of this order. The response to resistance by officers shall be in compliance with the training standards established by the department. Officers of this department may only use that level of force which is objectively reasonable under the circumstances to accomplish a lawful objective.

A. Level-Cooperative

In the course of normal patrol, the officer's contact with the general population is vastly more positive than negative, and likewise, much more prone to non-force than forceful confrontation. Even in exceptional cases, at times the officer may simply re-adjust his spatial positioning or elicit greater eye contact (body language methods) and gain reluctant compliance of the individual. The non-compliant individual may have the officer's request repeated or verbally convinced that increased reluctance need not progress to resistance (verbal persuasion methods) culminating in eventual compliance.

1 In dealing with people, each officer must attempt to make his/her contact one which inspires respect and generates cooperation and approval of the public. A citizen's encounter with the police can be a frightening, emotional experience and under these circumstances, the risk of misunderstanding is great.

2 The manner and form an officer speaks to the individual(s) can be an effective means of exerting verbal force in order to control the situation. Verbal force may be in the form of warnings, advice, persuasion, volume and tone control and may, in itself, be progressive in nature, depending upon the circumstances. All are effective means of utilizing reasonable and necessary verbal force. If used properly, officer may not have to resort to the use of other forms of force.

3 The majority of arrest made by officers of the Moberly Police Department are made peacefully; the prisoner is handcuffed, searched, and transported. In these situations, there is neither resistance, nor the need to use force. On occasion, some form of physical maneuvering may be required to escort the individual from one location to another.

B. Resistance Level I

On occasion, police officers are faced with an uncooperative individual or one who refuses to be placed in custody and other alternatives would be, or have been, ineffective or inappropriate. Incidents of this nature require officers to use sufficient force to make the lawful arrest without unnecessarily aggravating the situation. The object of this level of force is to gain compliance and control while minimizing the risk of injury to the officer, the person being placed in custody, and innocent bystander. As shown in Addendum A, control options could include body language, verbal persuasion, contact controls, joint restraints, weapon assisted leverage techniques and nerve controls.

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Response Level I

In this level, the officer is met with active, hostile resistance expressing itself in the form of physical attack upon the officer. Resistance keys upon the direction of the violence as well as the intensity and, therefore, includes a large realm of resistance activities. In each case, the specific judgment as to overall scope of the violence must err on the side of officer safety. In addition to the control options presented for Resistance Levels I and II, the officer could include intimate impact weapons as well as extended impact weapons in the range of force options.

- 1 **Personal Impact Weapons:** This level of unarmed force commonly involves the fist, hand, elbow, feet, knee, ect of officers. The use of personal weapons can be employed by officers to defend themselves against unlawful assaults/suspect activity, and or overcome unlawful resistance, when higher levels of force are not necessary and other verbal and physical force alternative would be, or have been, ineffective or inappropriate. Striking techniques may be delivered with an officers open hand, fist, forearm, leg or foot. Primary target points are the major muscle mass areas such as the legs, arms, shoulders, torso or side of the neck. Strikes to these target areas should create temporary muscle paralysis (all force must meet this standard, as noted in the preamble in the policy above).
- 2 **Use of Baton:** The baton shall only be used in accordance with current departmental training standards. The baton shall generally be used in situations where other verbal or lesser physical force alternative would likely be, or have been, ineffective or inappropriate.
 - a. Prior to being authorized to carry a baton, officers are required to successfully complete the manufacturer's user certification course. Only certified instructors will be utilized to conduct certification and annual recertification courses for the department.
 - b. Only batons approved by the Chief of Police shall be authorized for use by employees.
 - c. When carried, the baton will be secured in a manner consistent with established uniform standards. Other types of striking devices are strictly prohibited and shall not be carried while on duty or acting in an official capacity as a member of the Moberly Police Department.
- 3 **Police officer on occasion will interact with persons demonstrating unusual symptoms, including but not limited to**
 - Bizarre or unusually violent behavior
 - Signs of overheating/profuse sweating
 - Disrobing
 - Violence toward/attacking glass, lights and reflective surfaces
 - Superhuman strength and endurance

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- Impervious to pain-self mutilation
- Disturbances in breathing patterns or loss of consciousness
- Complaints of respiratory difficulty

It is the policy of the Moberly Police Department to immediately call for medical assistance in any case where one or more of these behaviors has been observed by officers, or is reasonably believed to be present-including cases where information concerning such behavior is received via 911 calls for assistance.

This is done to ensure communication officers and police officers IMMEDIATELY call for an ambulance when they observe or are made aware-like by a caller to 911-that we are likely working a call with someone in this condition.

C. Resistance Level II

Resistance in this classification is active in its scope and intensity. The suspect's indifference is expressed via physical defiance. The individual may turn away from the officer and attempt to leave the scene. A suspect may actively resist the officer's attempts at control. The critical aspect of Resistance Level II is that no direct force or violence has been directed toward the officer. It should be noted, however, resisting a control technique could directly or indirectly injure the officer and, therefore, subsequent techniques deployed attempting to gain control of the suspect could legitimately escalate into a higher level of non-compliance. As shown in Addendum A, control options for this level of resistance could include: all techniques listed for Resistance Level I, as well as, weapon assisted pain compliance techniques, inflammatory agents, chemical irritants, and electro-muscular disruption systems (Taser)

Reference: CALEA Standard 1.3.1

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Section: Administration
Chapter: Response to Resistance
Subject: Use of Deadly Force
Approved By: Chief Troy Link

Policy 1.3.2
Effective Date : July 1, 2017

Use of Deadly Force

Purpose

The purpose of this policy is to provide Moberly Police officers with guidelines that will assist them in making decisions when faced with situations that may require the use of deadly force.

Policy

It is the policy of the Moberly Police Department to restrict the use of deadly force to those situations when less than lethal force would fail to protect the officer or another person from death or serious physical injury.

Procedure

Response Level II

At this level is the violent subject who by his actions creates a reasonable assessment that his non-compliant activity has the potential to cause the officer great bodily harm and even death. Most officers will readily, almost instinctively, perceive when their actions are in defense of life and therefore, reasonable force options which range from the levels indicated earlier to include: extended range impact projectiles, weapons techniques with debilitating potential, service firearm, and supplemental firearms.

- A. All officers are equipped with a firearm to defend themselves or others against deadly force. An officer shoots when it is reasonably necessary to preserve his life or the life of another. When deadly force is used, it must be within the realization that the death of a person may occur.
- B. Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by the officer at the time he/she decides to use deadly force. Facts unknown to an officer, no matter how compelling, cannot be considered in later determining whether the use of deadly force was reasonable.
- C. An officer may use deadly force in the defense of a citizen or himself from what he/she reasonably believes to be an immediate threat of death or serious physical injury. Provided the further risk of death or serious physical injury to others if the violent felon is not apprehended exceeds the risks inherent the use of deadly force to others.
- D. Deadly force may be used to prevent the escape of a fleeing felon when the officer has exhausted all other means of capture AND:
 - a) The officer reasonably believes the person to be arrested has used deadly force in the commission of a felony, OR:

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- b) The officer reasonably believe the person whose arrest is sought will inflict death or serious physical injury to the officer or others if apprehension is delayed.

(Missouri Revised Statute 563.046)

Shoot to Stop

- A. Members shall fire weapons to stop an assailant from completing a potentially deadly act as described in this Policy. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer shall target "center body mass" unless the officer recognizes material objects such as body armor or other situations present that may affect the application of this use of force.
- B. "Warning shots" are prohibited.
- C. Shots shall not be fired toward, into, or at a crowd or gathering.

Shooting At Or From Moving Vehicles

Officers shall not discharge a firearm at or from a moving vehicle, except as the ultimate measure of self-defense, or defense of another when the suspect is using deadly force by means other than the vehicle, or when exigent circumstances are present during a vehicle pursuit. (see pursuit policy 4.1.3)

If deadly force is used, officers will carefully weigh the immediate need for such action against the potential danger to any innocent persons in the area, including any occupants in the suspect vehicle who are not engaged in criminal or threatening behavior.

Display of Firearms

- A. Except for general maintenance, supervisory inspections, storage or authorized training officers shall not draw or exhibit firearms unless circumstances create a strong reasonable suspicion that it may be necessary to lawfully use the weapon in conformance with other sections of this policy.
- B. A firearm shall not be used as a hammer, pry bar, tool, or for any other purpose other than for which it was intended.
- C. A revolver shall not be carried or placed at any time in a "cocked" condition. Officers carrying a double action semi-automatic pistol will return the weapon to the double action firing condition as soon as practical after discharging a round or rounds.
- D. Officers shall not engage in any "horse play", "quick-draw", or any other similar activity.
- E. Departmental weapons shall not be used for any purpose other than approved range training, performance of duty, or as otherwise provided by law. Departmental weapons shall not be carried or utilized for hunting, or similar, non-law enforcement activity.

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- F. No officer shall display or provide any departmental weapon to a citizen to inspect, examine or otherwise handle.
- G. No officer shall furnish his firearm to any citizen or civilian enlisting his assistance.

Deadly Force Other Than Firearms Prohibited

- A. Deadly force may consist of the use of items, articles, instruments, or equipment other than firearms, which are designed, intended, and routinely utilized for other legitimate police purposes such as vehicles, batons, flashlights, etc.

Deliberate use of any such item, article, instrument, or equipment for any purpose other than that for which it was designed and intended, or in a potentially deadly manner (i.e., as a club), is prohibited except in cases where the use of deadly force is specifically authorized by this policy.

- B. Striking to the head should be avoided; it may occur only as a **LAST RESORT** when no other means of control exists and the use of deadly force is reasonable.

NOTE: Lateral Vascular Neck Restraints (LVNR), "Strangle Holds" and other similar holds that restrict the ability to breathe are prohibited.

Reference: CALEA Standard 1.3.2

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Section: Administration

Chapter: Response to Resistance

Subject: Authorized Extended Range Impact Munitions **Policy 1.3.3**

Approved By: Chief Troy Link

Effective Date : July 1, 2017

Authorized Extended Range Impact Munitions

Purpose

The purpose of this policy is to provide guidelines for Moberly Police officers in the use of extended range impact munitions.

Policy

The Moberly Police Department employs Extended Range Impact Munitions (ERIM) when appropriate to ensure the safety of officers and citizens and reduce the risk associated with deadly force.

Procedure

Less Lethal Extended Range Impact Projectiles

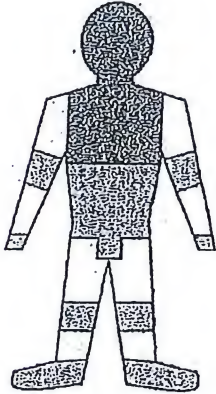
- A. The Moberly Police Department deploys a variety of authorized impact munitions from an approved 12-gauge shotgun. Additional Impact projectiles, (37 mm and 40 mm), can be authorized for use by the Chief of Police or Deputy Chief as long as Officers receive suitable training. The Impact projectiles may be referred to as SIMS (Specialty Impact Munitions). Effectiveness is the potential of the round to cause incapacitation, and reduce the subject's ability to continue their inappropriate behavior. The level of energy necessary to cause incapacitation creates the potential for injury, but when properly deployed, creates a low probability of causing serious physical injury or death.
- B. The potential for causing death or serious physical injury with such projectiles is a reality. This potential is greatly reduced when impacts to the head, neck, and chest are avoided, and when appropriate medical examination is provided in cases where the subject is struck in an area that might conceal a closed injury such as the back, thoracic and abdominal cavities, and the groin. When engaging a target, the officer should evaluate the effectiveness of each round during the volley. Compliance and/or incapacitation are the desired goal, and alternative target areas/response should be considered when rounds are not effective. Alternative target area/response considerations will be based on the circumstances the officer is encountering, and the established department safety priorities.
- C. The use of kinetic energy impact projectiles are considered an Assaultive Level I response to resistance, when deployed to areas of the suspects body that are considered unlikely to cause death or serious physical injury.
 1. The use of kinetic energy impact projectiles is considered a Level II-Deadly Force, if intentionally deployed at the head or neck and chest.

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Warning - Strikes to these areas are:



 Most likely to cause serious injury or death.

 More likely to cause serious injury or death.

 Least likely to cause serious injury or death.

- The less lethal projectiles will be delivered to suspect target areas based on the circumstances, established safety priorities, and the level of force authorized. The baton-training chart is the recognized model for determining contact areas for kinetic energy impact weapons, based on potential for injury.

Light Areas - These areas will be considered when incapacitation is necessary, and a minimal potential for injury is the appropriate response.

Medium Areas - These areas will be considered when an escalation of force above light (areas) is necessary and appropriate, acknowledging an increase in the potential for death or serious physical injury.

Head/Neck - Intentional impacts to these areas will be avoided unless the use of deadly force is reasonable, necessary, and appropriate.

The chest should be avoided unless the need to stop the behavior justifies the risk of potential injury

- Training for Officers authorized in the use of extended range impact projectiles will consist of an approved department end user program, with annual re-certification.
- A special 12-gauge shotgun will be dedicated for use in situations, which may require less lethal options. This shotgun will have a fluorescent orange stock and forearm. This shotgun will be kept, (unloaded) in a dedicated case along with a supply of less lethal munitions. This designated shotgun, case, and munitions should be kept in the vehicle driven by on duty watch commander and a second dedicated less-lethal shotgun, case and munitions will also be kept in the vehicle driven by the on-duty corporal. These shotguns should only be loaded by officers using them. Officers using these shotguns should have current training in their use and are approved by the department.

In the event that the less lethal shotgun is out of service another lethal shotgun may be used after two officers clear and confirm that there are no lethal rounds in it.

Reference: CALEA Standards 1.3.4, 1.3.9

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Section: Administration

Chapter: Response to Resistance

Subject: Use of Oleoresin Capsicum (OC) Spray **Policy 1.3.4**

Approved By: Chief Troy Link

Effective Date : July 1, 2017

Use of Oleoresin Capsicum (OC) Spray

Purpose

The purpose of this policy is to provide guidelines for the use of Oleoresin Capsicum (OC) as an inflammatory agent.

Definition

The product covered by this regulation is the SABRE RED or other authorized brand of oleoresin capsicum. Sabre Red is manufactured by Security Equipment Corporation.

Policy

1. All officers who are working a uniform street assignment will carry Sabre Red OC or other authorized spray while on duty.
2. Use Of SABRE RED OC SPRAY
 - A. All sworn officers of the department will be issued Sabre Red OC spray. The above product can only be used after completion of training and shall be carried when engaged in any uniform enforcement function.
 - B. The use of this product is considered a USE OF FORCE. The use of this product is considered to be less lethal, the use of which does not necessarily preclude the use of a greater level of force if necessary for officer safety or the safety and protection of another. As in all situations where force must be used, only that amount of force necessary and reasonable to overcome the resistance will be used.
 - C. No officer of this department will use this product until he/she has attended and successfully completed the approved training course on the use of the OC spray by a qualified instructor. All officers are encouraged to participate and receive a controlled spray and exposure to the product to ensure the officers know the effects and what can be expected from an exposed subject. Officers electing not to receive the controlled exposure must, as part of the training process, observe the effect the product has on those officers participating. Controlled training exposure is optional and will have no effect on qualification.
 - D. Police Officers and Animal Control Officers are authorized to use this product to control animals exhibiting aggressive or dangerous behavior while in the normal course of their duties.
 - E. OC SPRAY will not be removed from the carrying case/holster unless the use is imminent. Any safety mechanism employed by the manufacturer will be activated

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and remain in place until the device is deployed. Empty canisters will be returned to the qualified instructor for re-supply.

- F. Immediately prior to and/or during the application of this product, the officer will shout a warning "PEPPER" whenever possible. The use of this term will cover the use of the OC spray to decrease the amount of confusion or miscommunication. This will alert other officers in the immediate vicinity that the product has been deployed and, in addition, will place the subject on notice that this type of device is being deployed against him/her.
- G. The welfare, care and proper treatment of the subject, citizens or fellow officers are of paramount concern to every member of this department. When the oleoresin capsicum product is used on a person, he/she will be moved to a location for decontamination as soon as practical. Officers will follow the guidelines listed in this policy concerning decontamination.
- H. Nothing in this regulation shall prohibit any officer from using the product covered by this procedure to protect his/her safety or the safety of another in a given situation not addressed in this policy as long as the action was justified and reasonable as a Use of Force.
- I. Non-uniformed officers may carry Sabre Red or other authorized OC spray. Because their duty assignments, Non-uniformed officers will be allowed to carry Sabre Red or other authorized OC spray in an alternative carrying case or holster. Non-uniformed officers are required to attend the same training as uniformed officers. Non-uniformed officers will be held to the same standards in this policy as uniformed officers if they deploy Sabre Red or other authorized OC spray.
- J. Only officers of the rank below Commander are required to carry Sabre Red or other authorized OC spray.

3. Decontamination

- A. Decontamination includes removing the affected individual from the scene and providing fresh air, and a follow-up with fresh water and a product similar to NO MORE TEARS BABY SHAMPOO if available. The following guidelines will be followed in all exposure cases where applicable:
 - 1. After spraying the subject with the product, the officer will verbalize commands and order the subject to remain still and cooperate. When the officer feels that he/she is in control, the subject can be secured with handcuffs if the situation requires.
 - 2. Subjects exposed to the product should be notified that they have been sprayed with an inflammatory agent, they should remain calm and breathe normal; and if they cooperate, steps will be taken to relieve their discomfort.
 - 3. The subject should be removed from the area as soon as possible and practical and placed in an area with fresh air. Cool fresh water can be applied to the affected area if applicable.

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4. Care should be taken to make sure that prisoners, while in restraint, remain in an upright position with their head back to avoid any chance of positional asphyxia. Avoid placing persons exposed to OC spray in a face down position.
 5. Monitor subject(s) during transport for respiratory distress or signs of positional asphyxiation.
- B. Once transported to the Police Department or other approved facility, the subject will immediately be moved to a decontamination site where he/she will be provided with cool fresh water, and a product similar to NO MORE TEARS BABY SHAMPOO if available, and a towel and given decontamination instructions as follows:
1. Wash the face and decontaminated areas with water and a product similar to NO MORE TEARS BABY SHAMPOO if available. Pat-dry the skin, DO NOT RUB. Eyes should be flushed with fresh, cool water. No commercial eyewash should be used. Decontaminated clothing should be rinsed with fresh water. No creams or salves should be used. Do not remove contact lenses.
 2. Monitor subject for up to one (1) hour at ten (10) minute intervals. Most subjects recover in 30 minutes. Some subjects may take up to an hour. If conditions exist past this time, or if an officer believes that emergency medical attention is needed, emergency medical personnel should be called to check the subject and, if necessary, the subject should receive treatment from the Emergency Room.
 3. Under no circumstances should any subject exposed to this product be unnecessarily delayed in receiving decontamination.

4. Reporting

- A. The use of Sabre Red or other authorized OC spray is considered a use of force. Officers will complete the appropriate use of force report for review by their supervisor.

References for this policy include:

CALEA, 1.3.1; 1.3.2; 1.3.3; 1.3.4; 1.3.5; 1.3.6; 1.3.7; 1.3.8; 13.9; 1.3.10, 1.3.11, 1.3.12; 1.3.13; 26.1.1

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Section: Administration
Chapter: Response to Resistance
Subject: Applying Handcuffs
Approved By: Chief Troy Link

Policy 1.3.5

Effective Date : July 1, 2017

Applying Handcuffs

Purpose

The purpose of this procedure is to set forth the Department policy on the use of force and to establish general guidelines for the use of handcuffs. This provides for the security and welfare of prisoners and ensures the safety of police personnel and prevents escape.

Policy

Whenever an adult is placed under arrest, that person will be handcuffed and will remain so until confined at the station. Juveniles, when placed under arrest may be handcuffed with special consideration given to the age and size of the juvenile, the offense committed, the potential for escape, and the physical safety of the officer, the public, and the juvenile.

Any exception to this is incumbent, is that the arresting officer reasonably believes that a greater degree of cooperation can be achieved from a prisoner who is not handcuffed and the officer knows that the prisoner will not harm himself, poses no risk of escape, injury to the arresting officer, other officers, or the general public.

Procedure

1. Handcuffs will be applied with the prisoner's hands behind the back. Apply all cuffs only as tightly as needed to restrain and not so tightly as to cause injury. The double lock mechanism will be used whenever possible to prevent tampering.
2. Persons who are not under arrest, but pose a physical threat, may be placed in handcuffs for safety purposes.
3. Officers should be able to articulate the reasonable suspicion why a subject is being frisked, searched and/or handcuffed.
4. When an officer places a person in handcuffs, the officer will:
 - a. Holster their weapon prior to handcuffing
 - b. Attempt to place the handcuffs on a person so they are not too tight. Generally, handcuffs will not be considered too tight if an officer can insert an index finger to the first joint between the handcuffs and the arrestee's wrist. If the handcuffs are readjusted a second officer will be present whenever possible to witness the adjustment and provide extra security for the arresting officer.
 - c. Double-lock the handcuffs

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5. Handcuffs may be applied to the wrists with the hands positioned in the front in some circumstances, such as:
 - a. The prisoner is physically incapable of placing their hands behind the back
 - b. The prisoner is handicapped to the extent that placing their hands behind the back is unwarranted
 - c. The prisoner is sick or injured to the extent that placing the hands behind the back would be impractical, exacerbate the illness or cause additional injury.
6. If two prisoners are handcuffed together, it will be done by handcuffing right wrist to right wrist (or left to left) to limit mobility.

Male prisoners will not be handcuffed to female prisoners except when immediate movement from the scene is of primary importance.
7. Do not handcuff juveniles to adults.
8. Do not handcuff a person to any stationary object such as a pole, for an extended period of time.
9. Do not handcuff a person to any part of a vehicle.
10. Mentally ill persons will be handcuffed when behavior is unpredictable or past contact indicates a potential for violence. Use of handcuffs should be tactfully explained to the person and/or family member.
11. Help a handcuffed person maintain balance and keep them from falling when placing them in a patrol vehicle.
12. Maintain control of a handcuffed subject by either maintaining physical control or placing them in a position to prevent flight.
13. The transporting officer has the final authority for ensuring the arrested person is searched thoroughly.
14. Persons arrested for committing the same crime, and who are to be interrogated, will be transported separately and kept separated, whenever possible.
15. Officers will determine the most appropriate form of transportation if a handicapped person is arrested and requires transportation.
16. At no time will department members handcuff and leg shackle an arrestee's hands and feet together (commonly referred to as hog tying).
17. Place the handcuffed subject on his/her side or in a seated position when transporting.
18. The arresting officer should document how the arrestee was handcuffed (front or back), and that the handcuffs were checked for tightness and double locked. If the handcuffs were readjusted, the officer should document the readjustment and note the officer that witnessed it.
19. Place seat belts on arrested persons being transported by police vehicle.
20. Arrested subjects will not be left alone unless they are in an approved holding area.

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21. Arrested subjects should be handcuffed when leaving a secured area.

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Section: Administration
Chapter: Response to Resistance
Subject: Rendering Aid After Use of Weapons **Policy 1.3.6**
Approved By: Chief Troy Link **Effective Date :** July 1, 2017

Rendering Aid After Use of Weapons

Purpose

The purpose of this policy is to minimize the severity posed by obvious injuries or non-visible trauma commonly associated incidents involving the use of force.

Policy

It is the policy of the Moberly Police Department to provide assistance to all persons in need of medical care. This duty to provide assistance includes those individuals on whom officers have affected an arrest by use of force.

Procedure

If any person on whom an officer used force needs medical attention, the officer shall assist such person(s) where appropriate and/or arrange transportation by ambulance or medical service to a place where needed medical care can be obtained. The officer shall also contact his/her immediate supervisor on duty to advise him/her of the circumstances and to seek further guidance or assistance as soon as possible. In no event shall necessary medical attention be unreasonably delayed.

Reference: CALEA Standard 1.3.5

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Section: Administration
Chapter: Response to Resistance
Subject: Reporting Response to Resistance
Approved By: Chief Troy Link

Policy 1.3.7
Effective Date : July 1, 2017

Reporting Response to Resistance/Use of Force

Purpose

The purpose of this policy is to establish policy and regulations governing the reporting of use of force and deadly force by department members.

Policy

It is the policy of the Moberly Police Department to ensure that all sworn personnel are properly trained and equipped to utilize appropriate and reasonable levels of physical force, as determined by the particular circumstances, in order to protect the public safety.

Procedure

As part of this process, the Department requires a LEVEL I Response to Resistance report from any officer who uses physical force to overcome a subject's resistance that meets or exceeds the behavior identified in Resistance Level I or greater, and LEVEL II Response to Resistance for use of force incidents which result in injury, alleged injury, or death. In addition, the Department will require officers to report the display of firearms in situations where officers may determine it necessary to ready a weapon for imminent use and the weapon is displayed to a suspect during the incident.

The Response to Resistance Reports will be used to assist in identifying training and equipment needs. The reports will also provide for the immediate documentation of the force used so that should a complaint be filed, the pertinent facts would be readily available.

After a response to resistance incident, the officer's initial actions will address the medical needs, if any, of the suspect involved. If, in an officer's opinion, a prisoner needs medical attention, or at the request of the prisoner, the officer shall contact a supervisor who shall either authorize the transportation of that prisoner or arrange for the transportation of the prisoner to a medical treatment facility. If the officer is in doubt as to the necessity of medical treatment, the prisoner will be transported, by appropriate means, for medical evaluation of his/her condition.

Nothing in this section shall preclude the immediate application of emergency life saving measures of summoning of emergency medical assistance, if required, prior to notification of a supervisor.

Off-duty officers involved in the use of force situations are subject to the same reporting procedures as on-duty officers. When an off-duty officer involved in a use of force situation, he/she shall notify an on-duty supervisor immediately.

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Procedure for Level I Reporting

Officers are required to complete the LEVEL I Response to Resistance Report in the following circumstances:

- When an officer applies physical control holds, compression, or pain inducing techniques to make an arrest and;
- No complaint of physical injury is made by the suspect or observed by the officer;
- Anytime a weapon is made ready for imminent use and is displayed to a suspect during the course of an incident (this includes weapons displayed to persons later determined not to be suspects, i.e., store owners, employees of a business, etc., which are present at a scene and not readily discernible as innocent parties).

Immediately following an incident, as soon as practical, the officer will notify his/her immediate supervisor and request a copy of the LEVEL I Response to Resistance Report form. (See Addendum A)

The supervisor will review the circumstances of the incident with the officer involved and any witnesses present at the scene. He/she will note the general condition of the suspect by direct observation.

The supervisor may elect to proceed with a LEVEL II Response to Resistance Report and investigation if he/she deems it necessary.

Under no circumstances will a supervisor decline to speak with a suspect regarding a response to resistance incident.

The officer will complete the LEVEL I Response to Resistance Report Form and return it to the supervisor prior to ending his/her tour of duty.

The supervisor shall review the report form and forward it to the following personnel:

- The Watch Commander (to receive original report)
- Commander
- Chief

Watch Commander will review the report and indicate if the information reported complies with this policy.

The Watch Commander will forward his/her original copy of the report to the Commander, indicating either his/hers concurrence with the supervisor's assessment or a recommendation for further investigation.

The Commander, will review the initial report and the recommendations of the Watch Commander. The Commander will indicate his/her concurrence or recommendation for further action on the original copy of the report and forward it to the Chief of Police.

If further investigation is required, the Commander shall initiate the investigation through the chain of command.

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The investigation will be conducted in accordance with the procedures defined for LEVEL II reports within Policy.

The Chief of Police will review the completed report and indicate his/her final approval in the space provided.

The original report will then be forwarded to Professional Standards for filing.

Procedures for Level II Reporting

The officer shall contact his/her immediate supervisor and advise him/her of the circumstances surrounding the incident. He/she shall also complete the "Officer Record" portion of the LEVEL II Response to Resistance report (See Addendum B) and forward it to his/her supervisor no later than the end of the current shift. The officer's supervisor must be notified of all uses of force as soon as possible, and must thoroughly investigate and determine when a formal LEVEL II Response to Resistance Report is required. If the LEVEL II report is required, the supervisor is responsible for investigating the incident and for completing the Witness Record, Subject Record, and Event Record portions of the report. If the immediate supervisor is unavailable, the report shall be submitted to the Watch Commander.

The Watch Commander shall be notified as soon as possible, when a department employee inflicts injuries sufficient to cause the injured party to require medical attention.

The involved employee shall notify an immediate supervisor. In the absence of the Supervisor the Commander will be notified:

With the consent of the injured party, the Commander shall have photographs taken of the injuries. Officers with visible injuries shall also be photographed.

Upon initiation of a LEVEL II Response to Resistance Report, a supervisor will obtain a Department Complaint Number from the communications section. The complaint will be marked "internal investigation" on the records entry.

The Department complaint number will be placed on the Response to Resistance Report and serve as the control number. This number will be the same as the incident report.

The complaint number will be assigned to the supervisor and all records of the incident will reflect the assigned complaint number.

After the LEVEL II Use of Force Report has been completed the original shall be forwarded via the Officer's Chain of Command, to the Commander.

After review and completion, the Commander will then forward the original Use of Force Report to the Professional Standards Officer.

The Professional Standards Section will then review the report and forward it to the Chief of Police.

The Chief of Police will review the report and return the original copy to the Professional Standards Section to be logged and filed.

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If the force is such that the affected individual requires hospitalization, the Watch Commander shall immediately notify the Commander, the Professional Standards Commander, and the Chief of Police, regardless of the hour of the day, as soon as practical.

If an officer encounters a degree of resistance sufficient to justify a charge of resisting arrest or assault, these charges will be made immediately. It shall be the responsibility of the Professional Standards Officer to purge all Response to Resistance Reports after a period of three years.

Reviewing Reports

The Chief of Police shall review use of force reports periodically to determine if patterns or trends exist that would indicate a need for training or policy revisions.

Reference: CALEA Standards 1.3.6, 1.3.7

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Section: Administration

Chapter: Response to Resistance

Subject: Investigating Response to Resistance

Policy 1.3.8

Approved By: Chief Troy Link

Effective Date : July 1, 2017

Investigating Use of Force

Firearms Discharged- Investigative Process

The following procedure will be used to investigate every incident of firearms discharge by a department member except: target practice, nuisance animal control, ballistics examination, destroying a sick or injured animal, hunting or other Department training.

Involved Officer

Whenever a member discharges his/her firearm, either accidentally or officially, he/she shall immediately:

- Determine the physical condition of any injured person and render first aid when appropriate;
- Request necessary medical aid; and,
- Notify the Dispatcher of the incident and location.

The officer shall remain at the scene, unless he/she is injured, until the arrival of the appropriate investigators; however, if the circumstances are such that the continued presence of the officer at the scene may cause a more hazardous situation to develop (violent crowd), the commanding officer at the scene shall have the discretion to instruct the officer to respond to another, more appropriate location.

The officer will protect his/her weapon for examination and submit said weapon to the appropriate investigator.

The officer shall, utilizing the Response to Resistance Report, prepare a detailed report in accordance with Section II of this Policy.

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The officer should not discuss the case with anyone except:

- Supervisory and Professional Standards personnel;
- The officer's legal counsel;
- Department psychologist.

The officer shall be available at all times for Professional Standards and other administrative interviews and statements regarding the case and shall remain subject to recall to duty at any time.

Communications shall:

- Dispatch medical aid,
- Notify the on-duty watch commander,
- Notify the Investigations Division Commander.

On-Duty Supervisor & Watch Commander shall:

- Proceed immediately to the scene.
- Where injury resulted, shall insure the following are notified:
 1. Commander;
 2. Professional Standards Officer, and;
 3. Chief of Police.
- Secure the scene
- Conduct a preliminary field investigation.
- Render command assistance to the assigned investigator(s).
- Assist the involved officer(s).
- Submit a detailed written report of the results of the investigation to:
 - * The Chief of Police,
 - * The assigned investigator(s),
 - * The Critical Incident Review Board.

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The Professional Standards Section

The Professional Standards Section will conduct an investigation, subordinate to any criminal investigation, to determine:

- Whether the shooting was:
 - * Within policy;
 - * Out of policy;
 - * Accidental;
 - * Policy failure.
- Evaluate training considerations:
 - * Drawing and exhibiting weapons,
 - * Firing the weapon,
 - * Tactics prior to drawing and discharging,
 - * Tactics during and after discharge.
 - * Quality of the supervision prior to, during, and after the shooting incident.

The Professional Standards Officer will prepare a detailed report of findings for the Chief of Police.

The investigation conducted by the Professional Standards Officer is an administrative investigation and as such the officer is required to answer questions pertaining to the circumstances surrounding the incident.

Investigations Division

The Investigations Division will conduct a thorough investigation of every shooting by a police officer which results in injury or death. The investigation shall include the following minimum procedural standards:

- Proceed to the scene immediately.
- Assume control of the scene.
- Where injury resulted, notify the County Prosecuting Attorney's Office.
- Examine the weapon(s) of all officers present at the time the shots were fired including secondary weapons and weapons in police vehicles.
- Secure weapons that may have been fired.
- Secure samples of spent ammunition.
- Separate, secure, and interview all on-scene witnesses.
- Photograph the scene.

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- Secure all physical evidence. Have proper medical authorities secure projectiles from the victim's body;
- Secure communications tape
- Obtain hospital, autopsy, lab, and photographic reports.
- Before interviewing or requesting written statements of the involved officer(s), the investigator shall advise the officer of his/hers rights (Miranda Warning) in a criminal investigation. The Miranda Warning form will be retained as part of the original report.
- The Investigation Division shall prepare a detailed report of the investigation and submit same to:
 - * The Chief of Police,
 - * The County Prosecuting Attorney, and
 - * The Critical Incident Review Board,

The Critical Incident Review Board

The Critical Incident Review Board shall convene and review the circumstances relevant to each discharge of a firearm by a department member. Target practice, hunting, ballistics examination, destroying a sick or injured animal or other Department training is exempted. The Board shall consist of:

- Commander
- A Watch Commander,
- The Professional Standards Officer,
- The Department Armorer,
- The immediate supervisor of the officer that discharged the weapon, and
- Two members of the same rank as the officer that discharged the weapon, selected by the officer.

The Critical Incident Review Board will evaluate, in explicit and fact-finding fashion, each aspect of an officer involved shooting. Such evaluation will include:

- A thorough review of the criminal investigation report;
- A thorough review of the Professional Standards Report;
- Hearing of Direct testimony, if necessary, from officers and witnesses.

The Critical Incident Review Board will develop findings and make recommendations to the Chief of Police in the following areas:

- Whether the shooting was within policy, out of policy, or accidental;
- Tactical considerations;

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- Training considerations;
- Quality of supervision;
- Corrective action;
- The post shooting investigative processes and quality;
- The board meets within 30 days after completion.

Civil Rights Investigation

The department will respect the rights of the federal government to conduct an independent investigation to identify any civil rights violations that may have occurred.

The department will not request any of its members who may be the subject of an investigation to confer with federal investigators without advice of counsel.

Administrative Duty

Any officer directly involved in a use of deadly force incident shall be placed in an "administrative assignment" directly upon completion of his/her preliminary report of the incident. This assignment shall be without loss of pay or benefits, pending the results of the investigation. The assignment to administrative duties shall not be interpreted to imply or indicate that the officer has acted improperly.

While on administrative assignment the officer will be available at all times for official departmental interviews and statements regarding the use of deadly force incident, and shall be subject to recall to regular duty at any time. The officer shall not discuss the incident with anyone except the County Prosecuting Attorney, department personnel assigned to the investigation, the officer's legal counsel, the officer's psychologist, the officer's chosen clergy, and the officer's immediate family.

Refer to City of Moberly Personnel Manual for additional information pertaining to limited duty assignments for employees involved in a "critical incident".

Psychological Services for the Officer

In all cases where any person has been injured or killed as a result of the use of deadly force by a police officer, the involved officer will be required to undergo an emotional debriefing with a department furnished psychologist within five working days if the department psychologist is available. If the department psychologist is not available, an appointment will be made as soon as possible. The purpose of this debriefing will be to allow the officer to express his/her feelings and to deal with the moral, ethical, and/or psychological after-effects of the incident.

The officer will be afforded the opportunity to continue psychological services. These subsequent visits will be the officer's choosing and shall continue as determined by the psychologist and officer.

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City of Moberly Personnel Manual defines the procedures for referral of employees involved in "critical incidents" to counseling services.

Response to Resistance Report Annual Summary

The Professional Standards Officer will be responsible for ensuring a summary report on the use of force by department personnel. The report will be prepared annually and contain the following information:

- Total Level I Use of Force Reports filed and number of reports by each officer;
- Total Level II Use of Force Reports filed and number of reports by each officer;
- Number of suspects injured during use of force incidents;
 - * Break down of injuries by degree of severity
 - * Age of suspects
 - * Race of suspects
 - * Sex of suspects
- Number of officers injured during use of force incidents;
 - * Breakdown of injuries by degree of severity
 - * Age of officers
 - * Race of officers
 - * Sex of officers
- Breakdown of suspects' weapons by type;
- Breakdown of officers' weapons by type;
- Civilian complaints filed on unreported use of force incidents;
- Complaints sustained
- Complaints unfounded

Reference: CALEA Standards 1.3.8

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Section: Administration
Chapter: Response to Resistance
Subject: Proficiency Training
Approved By: Chief Troy Link

Policy 1.3.9
Effective Date : July 1, 2017

Proficiency Training

Purpose

The purpose of this policy is to provide a method for maintaining proficiency in the use of force.

Policy

The Moberly Police Department requires all officers to be proficient in the use of physical force.

Procedure

Officers shall receive in-service training on an annual basis regarding defensive tactics and the use of physical force and control holds. This training will be consistent with current legal trends and generally accepted law enforcement procedures.

- A. Only certified instructors will be utilized to present this training. Although not required, it is preferred that the instructors be sworn members of this department.
- B. The Training Officer will review the material and forward the appropriate recommendation to the Chief of Police based on the syllabus content.
- C. Areas of concern on the training syllabus will be brought to the attention of the Police Chief for appropriate review.
- D. The Chief of Police shall review all training syllabi prior to implementation.
- E. The Training Officer is responsible for coordinating the training program; to include the scheduling process, equipment, and facility acquisition.
 - 1. Entries of this training shall be made on the officer's individual training record.
 - 2. A list of officers failing to attend or pass the required training shall be prepared and forwarded to each Bureau Commander for appropriate corrective action.
- F. All sworn personnel below the rank of Commander shall be required to attend these training sessions as scheduled, unless excused for a justifiable reason by the appropriate Commander.

NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety of care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial, administrative setting.

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Addendum A

RESPONSE TO RESISTANCE

OFFICER'S ACTION/RESPONSE		SUBJECT'S ACTIONS	
<div style="display: flex; flex-direction: column; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">N O R M A L F O R C E</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">O R D I N A R Y F O R C E</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">E X T R A O R D I N A R Y F O R C E</div> </div>	[1. Controlled Confrontation	
		2. Body Language	
	O P T I O N A L	3. Verbal Persuasion	COOPERATIVE
	[4. Contact Controls	RESISTANT LEVEL I
		5. Inflammatory Agents	
		6. Joint Restraints	
		7. Weapons Assisted Leverage Techniques	
		8. Nerve Center Controls	
	O P T I O N A L	9. Weapon Assisted Pain Compliance Techniques	RESISTANT LEVEL II
	[10. Intimate Impact Weapons	
		11. Weaponless Techniques With Debilitating Potential	RESPONSE LEVEL I
		12. Extended Impact Weapons	
		13. Weapon Techniques With Debilitating Potential	RESPONSE LEVEL II
		14. Service Firearm	
		15. Supplemental Firearm	
<p>Note: The illustration does not represent a specific course of action or conduct, but rather, serves as a guide to possible methods of response available to an officer in reaction to a subject's behavior.</p>			

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Response to Resistance Forms

GENERAL ORDER

ADDENDUM A

POLICE DEPARTMENT
LEVEL I RESPONSE TO RESISTANCE REPORT

Type of Incident: _____ Complaint Number: _____

Officer DSN: _____ Date/Time Occurrence: _____

Suspect Name: _____

Address: _____

Race: _____ Sex: _____ Age: _____ Type of Weapon: _____ Recorder Used: Yes ___ No ___

Officers Weapons Used or Displayed: _____

Description of Incident: _____

Charges Filed: _____

Field Supervisor's Recommendation: _____

Field Supervisor DSN: _____ Date: _____

Watch/Division Commanders Concurrence/Recommendation: _____

Watch Commander DSN: _____ Date: _____

Deputy Chiefs Concurrence/Recommendation: _____

Deputy Chief: _____ Date: _____

Chief of Police Concurrence/Recommendation: _____

Chief of Police: _____ Date: _____

Returned to Watch/Division Commander for Further Action: Yes ___ No ___

Professional Standards Officer: _____ Date: _____

**LEVEL II: Response to Resistance Report
Chain of Command Routing Slip**

Sergeant

Date

Lieutenant

Date

Captain

Date

Deputy Chief/Bureau Commander

Date

Professional Standards Officer

Date

Chief of Police

Date

LEVEL II: Response to Resistance Report**OFFICER RECORD**

Department Complaint Number: _____

Name: _____
(Last) (First) (Middle)

Sex: _____ Race: _____ Height: _____ Weight: _____

Length of Service: _____ Duty Assignment: _____

Status: On-Duty _____ Off-Duty _____ Secondary
Uniform _____ Plain Clothes _____

OFFICER INJURY (Check all that apply)

Limb _____ Torso _____ Head/Neck/Face _____ No Apparent Injury _____

Subjects Weapon(s): Firearm _____ Flashlight _____ Baton _____
Hands/Feet/Fists/Knees/Elbows: _____ Other weapons _____

Medical Treatment: Yes _____ No _____

SUBJECT #1 INJURY (Check all that apply)

Name: _____

Limb _____ Torso _____ Head/Neck/Face _____ No Apparent Injury _____

Officers Weapon(s): Firearm _____ Flashlight _____ Baton _____
Hands/Feet/Fists/Knees/Elbows _____ Other weapons _____

Medical Treatment: Yes _____ No _____

SUBJECT #2 INJURY (Check all that apply)

Name: _____

Limb _____ Torso _____ Head/Neck/Face _____ No Apparent Injury _____

Officers Weapon(s): Firearm _____ Flashlight _____ Baton _____
Hands/Feet/Fists/Knees/Elbows _____ Other weapons _____

Medical Treatment: Yes _____ No _____

SUBJECT #3 INJURY (check all that apply)

Name: _____

Limb _____ Torso _____ Head/Neck/Face _____ No Apparent Injury _____

Officers Weapon(s): Firearm _____ Flashlight _____ Baton _____
Hands/Feet/Fists/Knees/Elbows _____ Other weapons _____

Medical Treatment: Yes _____ No _____

Use Department Continuation Form for Officers Statement

Page _____ of _____

(Form to be completed by each officer involved)

LEVEL II: Response to Resistance Report**EVENT RECORD**

Department Complaint Number:

Related Complaint Number:

Date of Incident: _____ Time: _____

Location of Incident:

TYPE OF INCIDENT:

Traffic Stop _____ Disturbance _____ Domestic Violence _____ Narcotics _____

Other (Please Specify)

Evidence collected: Yes _____ No _____

Number of subjects: _____ Number of witnesses: _____

DSN of Police Officer(s) present: 1. _____ 3. _____ 5. _____
2. _____ 4. _____ 6. _____

Use Department Continuation Form for narrative portion of report.

Investigation Completed: Yes _____ No _____

Investigating Supervisor

DSN

Date/Time

Investigation Completed:	Yes _____	No _____
Hearing Recommended:	Yes _____	No _____
Response to resistance justified:	Yes _____	No _____
UNABLE TO DETERMINE:	Yes _____	No _____

Deputy Chief

Page ____ of ____
(To be completed by Shift Supervisor)
LEVEL II: Response to Resistance Report

SUBJECT RECORD

Department Complaint Number:

Name:

(Last)

(First)

(Middle)

Address: _____ City: _____

State: _____ Phone: _____

(Home)

(Work)

Sex: _____ Race: _____ Date of Birth: _____ Height: _____ Weight: _____

Impaired by alcohol or drugs: Yes _____ No _____ Unable to determine _____

Chemical tests administered: Yes _____ No _____ Results _____

Describe injury received:

Medical Treatment: Yes _____ No _____

Transported to Hospital: Yes _____ No _____

Method of transport: _____ Ambulance Unit #:

Hospital:

Attending physician/nurse:

Photos taken: Yes _____ No _____

Criminal Charges Filed: 1.

2.

3.

Court: _____

Court Date:

Subject Statements: Use Department Continuation Form for the narrative portion of this report.

**LEVEL II: Response to Resistance Report
WITNESS RECORD**

Department Complaint Number:

Name:

(Last)

(First)

(Middle)

Address: _____ City:

State: _____ Phone: _____
(Home)

(Work)

Sex: _____ Race: _____ Date of Birth: _____ Height: _____ Weight: _____

Department: _____

DSN:

(If witness is a police officer)

Witness relationship to subject:

Use Department Continuation Form to obtain witness statement and complete narrative portion of this report.
